IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 690 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

S K MOHAPATRA MANAGING DIRECTOR - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

==========

Appearance :
MR BR GUPTA for Applicant(s) : 1,
MR DIPEN DESAI, APP for Respondent(s) : 1,
NOTICE UNSERVED for Respondent(s) : 2,

==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 05/10/2007

ORAL JUDGMENT

1. This petition was filed in the year 1993 for quashing a complaint being Criminal Case No.263/1992 filed before the Labour Court, Ahmedabad against the present petitioner by respondent no.2. Learned advocate Shri B.R.

Gupta for the petitioner submitted that the petitioner at the relevant time was IAS Officer and was holding the charge of Managing Director of Gujarat State Textile Corporation. He submitted that not only the petitioner has retired from service, even the Corporation is wound up. Today the petition is placed before this Court for appropriate orders since respondent no.2 is not yet served as not found at the given address. Learned advocate Shri Gupta submitted that he himself is also not aware about the whereabouts of the petitioner himself. 14 long years have passed since this Court had stayed further proceedings of the said criminal case. It is doubtful whether the complainant would be interested now in persuading the proceedings.

2. Under these circumstances, the petition is disposed of at this stage with a liberty to the petitioner to file fresh appropriate proceedings in case, respondent no.2 original complainant seeks to pursue his criminal case after disposal of this petition.

3. With these directions, the petition is disposed of. Rule is discharged. Interim relief is vacated.

(Akil Kureshi,J.)

(raghu)